Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014

Message Text

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PAGE 01 CAIRO 12032 031338Z
ACTION SY-05

INFO OCT-01 AF-10 NEA-11 ISO-00 SYE-00 /027 W
----------007374 031341Z /53
O 031325Z MAY 78
FM AMEMBASSY CAIRO
TO SECSTATE WASHDC IMMEDIATE 8651
AMEMBASSY NAIROBI
AMCONSUL KARACHI
MSGBN WASH DC
CG MCDEC QUANTICO VA

UNCLAS CAIRO 12032

DEPT FOR A/SY/CC PASS TO A/SY/OPS/FO/MSG AT OPEN
OF BUSINESS; NAIROBI FOR RSS; KARACHI FOR RMO;
MSGBN FOR CO; QUANTICO FOR SJA (CAPT. SIEGEL)

E.O. 11652: N/A
TAGS: ASEC, MSG
SUBJECT: APPEARANCE OF DR. TEWFIQ IN WALDRON TRIAL

REF: STATE 107776

1. EMBASSY APPRECIATES IMPORTANCE OF HAVING DR. TEWFIQ, LEGAL MEDICAL OFFICER WHO PERFORMED THE AUTOPSY, AVAILABLE TO TESTIFY IN THE WALDRON CASE. RSO HAS REPEATEDLY DISCUSSED WITH DR. TEWFIQ IMPORTANCE OF HIS TESTIMONY. DR. TEWFIQ UNDERSTANDS AND KNOWS THAT HE HAS A LETTER FROM THE MINISTER OF JUSTICE ENCOURAGING HIS PARTICIPATION IN THIS PROCEEDING.

2. OVER THE ENSUING WEEKS, THE RSO HAS HAD A STRONG SENSE OF RELUCTANCE ON DR. TEWFIQ'S PART WHICH THIS MORNING BECAME CLEAR. HE HAS AN ABIDING FEAR OF FLYING. IN HIS ONLY EXCURSION FROM EGYPT BY AIR, HE FLEW TO A NEIGHBORING COUNTRY BUT RETURNED BY CAR. IN THE RSO'S
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OPINION, THIS IS A DEEP-SEATED CONCERN WHICH WE MAY NOT BE ABLE TO OVERCOME. HE HAS BEEN OFFERED THE COMPANIONSHIP OF DR. MOUSTAFA (UNTIL LAST EVENING WHEN DR. MOUSTAFA INDICATED THAT HIS PERSONAL SCHEDULE WOULD NOT PERMIT HIM TO TRAVEL EARLIER THAN THE 20TH OF MAY). THIS MORNING THE RSO OFFERED THAT THE LOCAL SECURITY INVESTIGATOR OF THE EMBASSY, MR. AREF IZZET, WOULD ACCOMPANY DR. TEWFIQ

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AND THAT HE WOULD BE MET AND ASSISTED ON ARRIVAL BY RSO BRAY, WHOM DR. TEWFIQ KNOWS AND IN WHOM HE REPOSES CONFIDENCE. DR. TEWFIQ IS AGONIZING OVER THE DECISION AND WILL GIVE US A FINAL ANSWER TOMORROW MORNING. UNDER CIRCUMSTANCES, RSO CANNOT BE OPTIMISTIC THAT THE ANSWER WILL BE AFFIRMATIVE AND IS PERSONALLY SATISFIED THAT THE PROSPECT OF HAVING TO FLY TO THE UNITED STATES IS A TRAUMATIC CONCERN TO THIS KEY WITNESS.

3. THE DEPARTMENT AND MARINE CORPS WILL RECALL THAT DR. TEWFIQ HAS REPEATEDLY EXPRESSED HIS WILLINGNESS TO ANSWER ANY QUESTIONS IN THE FORM OF AN INTERROGATORY OR A DEPOSITION, WHICH ALTERNATIVE DID NOT THEN APPEAR TO BE SATISFACTORY TO COUNSELS HANDLING THE TRIAL.

4. DESPITE THE URGING OF THE MINISTER OF JUSTICE THAT DR. TEWFIQ APPEAR, THE MINISTRY DOES NOT CONSIDER IT HAS THE AUTHORITY TO ORDER HIM TO APPEAR AND HAS NOT "ORDERED" HIM TO APPEAR.

5. THE DEPARTMENT IS REQUESTED TO ADVISE MARINE CORP AUTHORITIES OF THIS SITUATION AND TO DETERMINE WHETHER THE ALTERNATIVE OF THE INTERROGATORIES OR DEPOSITIONS WOULD BE ACCEPTABLE IN LIEU HIS PERSONAL APPEARANCE. IF AN ALTERNATIVE OF EITHER TYPE IS ACCEPTABLE TO COUNSELS IN THE CASE, EMBASSY REQUESTS TO BE ADVISED
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WHETHER THE RSO MIGHT PROPOUND SUCH QUESTIONS TO DR. TEWFIQ IN THE PRESENCE OF CAPT. WATTEN, U.S. NAVAL MEDICAL OFFICER AND COMMANDER OF NAMRU-3, AND MR. AREF" IZZET, LOCAL SECURITY INVESTIGATOR OF THE EMBASSY, THE LATTER FOR ANY INTERPRETATION THAT MIGHT BE REQUIRED IN ARABIC. WE ALSO ASK TO BE ADVISED WHETHER SUCH TESTIMONY COULD PROPERLY BE TAKEN ON A TAPE RECORDER SO THAT BOTH A TRANSCRIPT AND THE TAPE RECORDING COULD BE PROVIDED TO THE COURT. STILL ANOTHER ALTERNATIVE MIGHT BE A TELEPHONE CONFERENCE IN WHICH COUNSELS WOULD ASK QUESTIONS DIRECTLY OF DR. TEWFIQ. EITHER MEDIUM MIGHT BE VIDEOTAPED IF DESIRED.

6. WE WILL CONTINUE OUR EFFORTS TO ENCOURAGE HIS PERSONAL APPEARANCE AT THE NEXT CONFERENCE, WHICH IS SCHEDULED FOR 9:30 TOMORROW MORNING (CAIRO TIME). WE HAVE USED ALL OF THE PERSUASION AVAILABLE TO US, BUT THE PROSPECT REMAINS THAT HE MAY DECLINE TO APPEAR FOR THE REASON GIVEN ABOVE. WE THEREFORE NEED THE GUIDANCE OF MARINE CORPS AUTHORITIES ON WHETHER ANY ALTERNATIVE COURSE OF ACTION IS AVAILABLE WHICH WOULD NOT JEOPARDIZE THE COMPLETION OF THE PROCEEDINGS IN THIS MATTER.

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7. PLEASE ADVISE BY IMMEDIATE OR NIACT IMMEDIATE, AS
APPROPRIATE, SO ADVICE WILL BE HERE PRIOR NEXT APPOINTMENT.
THANK YOU. EILTS

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